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20 UNITED STATES DISTRICT COURT  
21 FOR THE CENTRAL DISTRICT OF CALIFORNIA

22 VICKI J. AZNARAN and ) CASE No. CV 88-1786 JMI(Ex)  
23 RICHARD N. AZNARAN, )  
24 Plaintiffs, ) SUPPLEMENTAL MEMORANDUM IN SUPPORT  
v. ) OF DEFENDANTS' NOTICE OF  
25 CHURCH OF SCIENTOLOGY OF ) PLAINTIFFS' NON-COMPLIANCE WITH  
26 CALIFORNIA, et al., ) MANDATORY PRETRIAL PROCEDURES  
27 Defendants. ) AND REQUEST FOR SANCTIONS; DECLARA-  
28 ) TION OF LAURIE J. BARTILSON  
AND RELATED COUNTERCLAIMS. ) [F.R.C.P. 16(f), 41(b)]  
 ) [Local Rule 27.2]  
 ) DATE: To be determined  
 ) TIME: To be determined  
 ) COURTROOM: Hon. James M. Ideman

8/20/91

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1 In defendants' notice of plaintiffs' non-compliance with  
2 mandatory pretrial procedures, filed and served on August 9,  
3 1991, defendants demonstrated that, throughout this litigation,  
4 plaintiffs have engaged in an "unswerving pattern of  
5 non-compliance and campaign of delay." [Notice of  
6 Non-Compliance at 3]. After documenting for this Court  
7 instance after instance of plaintiffs' failure to comply with  
8 the Federal Rules of Civil Procedure, the Local Rules of this  
9 Court, and the orders of this Court, defendants requested  
10 severe and immediate sanctions against plaintiffs and their  
11 counsel. Dismissal is, of course, the most appropriate  
12 sanction as supported by the opinion of the 9th Circuit  
13 affirming dismissal by Chief Judge Real under remarkably  
14 similar circumstances in Chism v. National Heritage Life Ins.  
15 Co., 637 F.2d 1382 (9th Cir. 1981).

16 On the very day that defendants filed and served their  
17 notice, August 9, 1991, this Court issued the following order  
18 concerning motions then and now pending before it:

19 In light of the Court's inadvertantly [sic]  
20 approving Plaintiffs' substitution of counsel and the  
21 subsequent reinstating of Ford Greene as Plaintiffs'  
22 counsel, however, the Court has determined that, in  
23 fairness to the parties, some extension of time for  
24 filing opposition and replies to already pending  
25 motions is appropriate. Therefore . . . the Court  
26 hereby GRANTS Plaintiffs an extension until 3:00 p.m.  
27 on August 19, 1991 to file any opposition to any  
28 pending motions in this action. . . .

1 [Ex. A, Order of August 9, 1991 (the "Order"), p. 2, emphasis  
2 in original].

3 The Court also specifically ordered that, "Counsel are  
4 hereby reminded that the 35 page limit, excluding indices and  
5 exhibits, mandated by the Local Rules apply to all  
6 submissions." [Id. at 3].

7 At the time that the Court issued its Order, the following  
8 motions were pending before it:

9 1. Defendants' Summary Judgment Motion Based Upon Statute  
10 of Limitations;

11 2. Defendants' Summary Judgment Motion Based Upon First  
12 Amendment;

13 3. Defendants' Motion to Dismiss for Prejudice Caused by  
14 Yanny and Plaintiffs;

15 4. Defendants' Motion to Exclude Testimony of Plaintiffs'  
16 Designated Expert Margaret Singer; and

17 5. Defendants' Motion For Separate Trial of Affirmative  
18 Defenses; and

19 6. Defendants' Motion to Strike Papers Filed by Joseph  
20 Yanny.

21 Accordingly, plaintiffs were required to file oppositions  
22 to each of these motions by Monday, August 19, 1991 at 3:00  
23 p.m., in the proper format, in compliance with all Local Rules,  
24 and not in excess of 35 pages, excluding exhibits. Instead,  
25 after 3:00 p.m. on August 19, 1991, plaintiffs submitted to  
26 the Court for filing:

27 1. An Opposition to Defendants' Summary Judgment Motion  
28 Based Upon Statute of Limitations, which is 40 pages in

1 length, excluding any Statement of Facts;

2 2. An Opposition to Defendants' Summary Judgment Motion  
3 Based Upon First Amendment, which is 50 pages in length,  
4 excluding any Statement of Facts;

5 3. An Ex Parte Application for permission to file the  
6 oversized memoranda, which states no grounds for the  
7 application and is not supported by any memorandum of points  
8 and authorities; and

9 4. An "Appendix of Fact" which is 53 pages in length,  
10 is not a sworn statement of any kind, and which is plainly an  
11 attempt to further circumvent this Court's order limiting the  
12 size of memoranda to be filed. This Appendix is not  
13 mentioned by plaintiffs in their ex parte application.

14 The oppositions are not accompanied by Statements of  
15 Genuine Issues, as required by Local Rule 7.14.2. No  
16 oppositions were filed to any of the other pending motions.

17 Defendants' counsel, Laurie Bartilson, telephoned  
18 plaintiffs' counsel, Ford Greene, several times on August 19,  
19 1991, in an effort to obtain prompt service copies of the  
20 documents which Mr. Greene was filing. After reaching first  
21 an answering machine and then a visitor to Greene's  
22 office,<sup>1/</sup> Mr. Greene finally returned Ms. Bartilson's  
23 calls at approximately 2:00 p.m. After ascertaining that Mr.

24 1. The visitor to Mr. Greene's office was Gerald Armstrong,  
25 whom plaintiffs' disqualified counsel, Joseph A. Yanny,  
26 identified as a paralegal whom Yanny hired to work with him on  
27 this case. [Ex. C, Declaration of Joseph A. Yanny, July 31,  
28 1991, para. 4; Ex. D, Declaration of Gerald Armstrong, July  
19, 1991, para. 4]. Moreover, by preliminary injunction  
issued in Los Angeles Superior Court on August 6, 1991, Yanny  
is forbidden from directly or indirectly acting as counsel  
against defendants on behalf of the Aznarans or Gerald  
Armstrong. [Ex. E, Transcript of August 6, 1991, at 3-4].

1 Greene had indeed sent papers to the Court for filing, but had  
2 not as yet made arrangements for service, Ms. Bartilson  
3 offered to send a courier to Mr. Greene's office to pick up  
4 service copies. Mr. Greene replied that the papers were at  
5 Kinko's being copied, and would be ready between 5:00 and 6:00  
6 p.m. [Ex. B, Declaration of Laurie J. Bartilson, paras. 2-4].

7 Ms. Bartilson sent a courier to Mr. Greene's office;  
8 however, the papers were not ready for pickup at the time Mr.  
9 Greene had stated. The courier was finally given the papers by  
10 Mr. Greene at approximately 9:00 p.m., well past the time when  
11 they could have been loaded on a plane for immediate delivery  
12 to Los Angeles. After hearing from the courier that he had  
13 received only the four papers listed above, Ms. Bartilson  
14 telephoned Mr. Greene at his office. [Id., paras. 5-7]. Mr.  
15 Greene stated to Ms. Bartilson that he did not serve any  
16 separate statements or any oppositions to the remaining  
17 motions, because they had not yet been completed. [Id.,  
18 para. 7]. He further stated that he intended to complete  
19 them and file them late, to which he assumed defendants would  
20 object. [Id., para. 8].

21 This is merely the latest episode in plaintiffs'  
22 "persistent pattern of abusive conduct," Chism v. National  
23 Heritage Life Ins. Company, 637 F.2d 1328, 1331 (9th Cir.  
24 1981), which defendants and the Court have tried in vain to  
25 cure. The schedule set by the Court was clear and concise,  
26 plainly designed to permit the Court to rule on pending matters  
27 prior to the Pretrial Conference, now set for September 16,  
28 1991. Plaintiffs' refusal to comply with this clear order, and

1 instead late-filing of oversized, but nonetheless incomplete  
2 responses to only two of the six pending motions, is  
3 inexcusable. The suggestion by their counsel that they intend  
4 to further defy this Court's order by filing additional  
5 oppositions outside of the deadlines imposed by the Court is  
6 one that this Court should not tolerate, particularly when  
7 plaintiffs already sought and were granted additional time in  
8 which to file the papers which were due.<sup>2/</sup> The language of  
9 the Ninth Circuit in dealing with a similar case which arose in  
10 this very district is hauntingly appropriate:

11 Chism or his attorneys continually flouted  
12 discovery rules, failed to comply with pretrial  
13 conference obligations, and repeatedly violated the  
14 local rules of court. This conduct continued even  
15 after a representation to the court that discovery  
16 would proceed expeditiously, after a clear warning  
17 that the court condemned infractions of the pretrial  
18 conference rules, and despite repeated efforts by  
19 National to secure compliance without necessity of  
20 intervention by the trial court. Plaintiff's  
21 misconduct prejudiced his opponent, violated  
22 important policies designed to insure efficiency in  
23 legal proceedings at the trial court level and  
24 persisted to the very end.

25 637 F.2d at 1331.

26 The prejudice to defendants in this case is painfully

27 2. Defendants note that the association by the Aznarans of  
28 "new trial counsel" has done nothing to improve their ability  
to comply with this Court's orders. See, Chism, at 1332.

1 clear. After waiting many extra weeks for a determination of  
2 their potentially dispositive motions, thanks to the  
3 machinations of plaintiffs in hiring defendants' former lawyer,  
4 they must now wait an undisclosed additional period for  
5 plaintiffs to finally complete and file their oppositions to  
6 the motions. The service of the oppositions actually done was  
7 late and defective, costing defendants extra time and expense  
8 to get the untimely and overly large papers to their counsel  
9 for response. Defendants are faced with the prospect of  
10 preparing replies without responding to plaintiffs' separate  
11 statements which, according to Mr. Greene, will still be filed  
12 at some indefinite future date. Meanwhile, the case is moving  
13 inexorably to pretrial and trial. Defendants respectfully urge  
14 this Court to examine plaintiffs' conduct, weigh the obvious  
15 equities, and dismiss this case with prejudice as an  
16 appropriate sanction for plaintiffs' repeated and willfull  
17 violations of its orders.

18 Dated: August 20, 1991

Respectfully submitted,

19   
20 WILLIAM T. DRESCHER

21 Earle C. Cooley  
22 COOLEY, MANION, MOORE  
& JONES, P.C.

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24 CHURCH OF SPIRITUAL TECHNOLOGY  
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KRINSKY & LIEBERMAN, P.C.

27 John J. Quinn  
28 QUINN, KULLY & MORROW

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FILED  
AUG - 9 1991  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
BY DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

VICKI J. AZNARAN and ) CV-88-1786-JMI (Ex)  
9 RICHARD N. AZNARAN, )  
10 )  
11 Plaintiff(s), ) ORDER DENYING PLAINTIFFS'  
12 ) EX PARTE APPLICATION  
13 v. ) ORDER CONTINUING ALL PENDING  
14 CHURCH OF SCIENTOLOGY, INC., ) MOTIONS TO SEPT. 9, 1991  
15 ) ORDER SETTING BRIEFING SCHEDULE  
16 Defendant(s). )

IT IS HEREBY ORDERED:

1. Plaintiffs VICKI J. AZNARAN and RICHARD N. AZNARAN's (hereinafter "Plaintiffs") ex parte application for an order allowing Plaintiffs to respond to all pending motions on or before August 26, 1991 is hereby DENIED.

2. By its last Order, the Court set a final motion cut-off date of August 19, 1991 in this action. All remaining motions were to be limited to 35 pages in length, excluding indices and exhibits, noticed no later than August 19, 1991 and filed in a timely manner. The Court specified that no further motions will

1 be heard after that date absent a showing of good cause why the  
2 motion could not have been brought sooner.

3 In light of the Court's inadvertantly approving Plaintiffs'  
4 substitution of counsel and the subsequent reinstating of Ford  
5 Greene as Plaintiffs' counsel, however, the Court has  
6 determined that, in fairness to the parties, some extension of  
7 time for filing opposition and replies to already pending  
8 motions is appropriate. Therefore, although the Court does not  
9 by this Order alter the finality of the August 19, 1991 date for  
10 the filing of any motions in this action, the Court hereby  
11 GRANTS Plaintiffs an extension until 3:00 p.m. on August 19,  
12 1991 to file any opposition to any pending motions in this  
13 action. The Court also hereby GRANTS Defendants an extension  
14 until 3:00 p.m. on August 26, 1991 to file any reply briefs to  
15 any pending motions in this action. All pending motions will  
16 then be continued to the September 9, 1991 hearing date in order  
17 to permit the Court to rule after all submissions have been  
18 made.

19 The aforementioned extensions of time apply to all pending  
20 motions, including any motions currently under submission. No  
21 further extensions of time will be granted and the parties  
22 should not construe these extensions to permit the filing of any

23 / / /

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1 motion noticed later than August 19, 1991. Counsel are hereby  
2 reminded that the 35 page limit, excluding indices and exhibits,  
3 mandated by the Local Rules apply to all submissions.

4 IT IS SO ORDERED.

5  
6 DATED: August 9, 1991

7 *James M. Ideman*

8  
9 

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JAMES M. IDEMAN  
United States District Judge

DECLARATION OF LAURIE J. BARTILSON

I, LAURIE J. BARTILSON, hereby declare and state:

1. I am a partner in the firm of Bowles & Moxon, which is co-counsel of record for defendants in the above-captioned case. I have personal knowledge of the matters set forth herein and, if called upon to do so, could and would competently testify thereto.

2. On August 19, 1991, at approximately 10:30 a.m., I called the offices of Ford Greene in San Anselmo, California. The telephone was answered by an answering machine, which played a message stating that Ford Greene had had an emergency, and would not be able to return any calls until Monday, August 19. I left a message on the machine, giving my name and telephone number, and requesting that Mr. Greene contact me concerning service of the papers which he had due to be filed that day.

3. At approximately 1:15 p.m. on August 19, 1991, I again called Greene's offices. This time a man answered the telephone, and offered to take a message for Ford Greene. When I asked the man for his name, he told me that he was Gerry Armstrong. I was surprised to hear this, as I knew that until recently, Mr. Armstrong had been working as a paralegal for Joseph Yanny. I explained to Mr. Armstrong that I wanted to coordinate service of the papers with Mr. Greene, and offered to have a courier pick them up from Greene's offices. Mr. Armstrong promised to relay the message.

4. At approximately 2:15 p.m. on August 19, 1991, Mr. Greene returned my call. I was tied up, but called him back shortly thereafter. Mr. Greene informed that the papers "were

1 at Kinko's" being copied, and that he had been told that they  
2 would be ready between 5:00 and 6:00. He agreed to call my  
3 offices when they were ready for pickup.

4 5. I later discovered that my San Francisco courier had  
5 already left for San Anselmo. As the drive was substantial, he  
6 decided to simply wait at Mr. Greene's office until the papers  
7 were ready,

8 6. Mr. Greene did not give the courier copies of the  
9 papers until approximately 9:00 p.m. The courier then called  
10 my offices, and listed the materials which he had been given.  
11 The quantity of papers was substantially smaller than I had  
12 expected.

13 7. At approximately 9:45 p.m., I called Mr. Greene's  
14 offices, and once again spoke with Mr. Greene. I told him  
15 that I wanted to review with him what I the courier had gotten,  
16 as it seemed incomplete. Mr. Greene interrupted me, and said,  
17 "Let me make it easier for you. Let me tell you what you don't  
18 have. You don't have any separate statements with the summary  
19 judgment oppositions, you don't have an opposition to the  
20 motion to dismiss, you don't have an opposition to the Singer  
21 motion, and you don't have an opposition to the Rule 42  
22 motion."

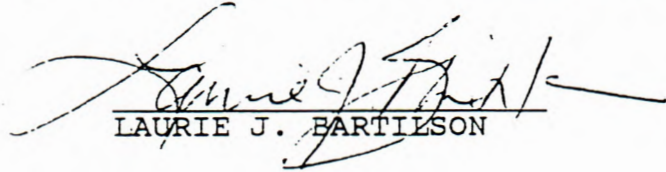
23 8. I asked Mr. Greene why it was that I had not been  
24 served with these papers. He stated that I had not been served  
25 because they were not completed and had not yet been filed. He  
26 stated that he planned to continue to work on them and to file  
27 them late. He said, "I assume that you all will object to  
28 that." I told him that I thought that we would, and expressed

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the view that the Court would be likely to object as well,  
since the deadlines were imposed by the Court.

I declare under the penalties of perjury under the laws of  
the United States of America that the foregoing is true and  
correct.

Executed this 23rd day of August, 1991, at Los Angeles,  
California.

  
LAURIE J. BARTILSON

DECLARATION OF JOSEPH A. YANNY

1  
2  
3 I, Joseph A. Yanny, make the following declarations from  
4 personal knowledge and could competently testify as set forth below  
5 if called upon to do so.

6 1. Declarant is a member in good standing of the  
7 California State Bar.

8 2. I am not an attorney in fact or of record in any case  
9 between Gerald Armstrong and any Church of Scientology entity, nor  
- 10 have I been consulted in that regard by either Scientology or Mr.  
- 11 Armstrong with respect to his litigation. I am informed that Mr.  
12 Armstrong has done quite well without me. I am informed that the  
13 court of appeals has recently issued an opinion on July 29, 1991  
14 in that regard.

15 3. Mr. Armstrong has consulted me on literary matters  
16 involving questions of intellectual property. I decline to disclose  
17 the substance of that consultation further, but I will note,  
18 however, for the record, that that consultation had nothing at all  
19 to do with Scientology and had no relationship at all to anything  
20 I ever worked on for Scientology.

21 4. I have considered employing and have employed Mr.  
22 Armstrong as a paralegal from time-to-time in the past. I believe  
23 it would be inappropriate, if not illegal, to require that I not  
24 employ ex-Scientists. Mr. Armstrong's views on Scientology  
25 should not cost him employment with my firm or elsewhere.

26 5. In addition, Mr. Armstrong is a potential witness in  
27 litigation I am contemplating against Scientology and in the Aznaran  
28 case. For example, Scientology has recently libeled me by

1 publishing materials that, among other things, falsely represent  
2 that I was found to be taking drugs and was "unable to maintain an  
3 acceptable level of performance and professional conduct." In the  
4 context of discussing the litigation, the libelous statement is made  
5 that, "Yanny proceeded to break attorney-client confidences." The  
6 litigation is described as "concerning his breach of contractual  
7 agreement." (The text will be offered at the hearing.) These  
8 claims are libelous per se. I anticipate that Mr. Armstrong may be  
9 a witness in the resulting litigation. Mr. Armstrong and the  
10 undersigned share the common problem of having been sued maliciously  
11 by the plaintiffs herein and is a prospective witness in that  
12 regard.

13           6. I have reviewed the purported declaration of Marty  
14 Rathbun filed by plaintiffs in support of their request for  
15 injunctive relief. The declaration is essentially a fabrication.  
16 It is a false description of the conversations I had with Mr.  
17 Rathbun on that date. I address what was actually said below. At  
18 no time during those conversations did I make any "admissions" to  
19 Mr. Rathbun. I have not breached any remaining fiduciary duties,  
20 nor have I "confessed" any breaches to Reverend Rathbun. The  
21 allegations concerning Ken Rose are particularly bizarre. I have  
22 never even met Ken Rose and do not believe I have ever spoken to  
23 him. I do not know who he is or what he may doing to make himself  
24 a target. I certainly did not discuss him with Mr. Rathbun.

25           7. On the day in question, Friday, July 21, 1991, I had  
26 two discussions with Mr. Rathbun. The principal discussion took  
27 place in the courthouse cafeteria during the afternoon. Mr. Rathbun  
28 approached me and attempted to engage me in conversation. It is now



1   apparent that Mr. Rathbun was attempting to initiate a conversation  
2   so that he could offer a false declaration as part of Scientology's  
3   mission to attack and destroy the undersigned.

4           8.   I also spoke with Mr. Rathbun for several minutes  
5   outside the courthouse towards the end of the day. During this  
6   brief conversation, Mr. Rathbun commented that this suit was a  
7   "grand waste of time." He sarcastically commented, "Can you afford  
8   it?" He then added that I was going to go through the same thing  
9   again. When I asked him what he meant, his response was, "You  
10   know," - an obvious reference to the ordeal of past litigation.  
11   I commented to Mr. Rathbun that they were getting beaten in all of  
12   the litigation, and that this would continue, because they were  
13   criminal and that virtue does eventually triumph in the end. I also  
14   remarked that I had seen them attempt to ruin a number of lawyers  
15   previously employed by them under similar circumstances, i.e., Barry  
16   Litt, Mike Levanus, etc. As to the comments alleged in Mr.  
17   Rathbun's declaration, they simply did not occur.

18           9.   Earlier in the day, Mr. Rathbun approached me in the  
19   cafeteria and engaged me in conversation. He started by remarking  
20   that I was "basically a good person" and that they could see to it  
21   that I "came out of this okay." Mr. Rathbun then tried to disavow  
22   or downplay certain criminal or inappropriate activities, such as  
23   stealing medical records and break-ins. I told him to drop the PR  
24   pitch, because I was there and knew better.

25           10. During this same conversation, Mr. Rathbun stated  
26   that I needed to accept my responsibility for certain things. Mr.  
27   Rathbun commented that, back when the relationship deteriorated,  
28   "Everything was going south on us." I responded that if he would

1 look at the record he would note that I had obtained good results  
2 for them. The problem was that I insisted on exercising my  
3 professional judgment rather than blindly following their orders.  
4 When I would not go along with some of their more questionable  
5 activities or tactics, they questioned my loyalty more than the  
6 quality of legal services.

7 11. Mr. Rathbun also stated that I had to accept my  
8 "overts" towards them. I indicated that I knew the whole point of  
9 the exercise was to ruin me. Pursuant to "tech," they had to "dead  
10 agent" me because I had disagreed with their criminal activities and  
11 knew too much about them. Accordingly, it was necessary for them  
12 to discredit me as a source of unfavorable information.

13 12. With respect to the Aznaran case, Mr. Rathbun's  
14 declaration on this point is simply more fabrication or distortion.  
15 I stated to Mr. Rathbun that what they had done to the Aznarans was  
16 foul play. While they were telling the Aznarans that they wanted  
17 to settle their case, in truth Scientology was poising to file  
18 lengthy and complex summary judgment motions at a time when the  
19 Aznarans were in propria persona. Scientology not only filed  
20 hundreds of pages of moving papers when the Aznarans were in pro  
21 per, they would not even stipulate to extensions of time for  
22 responsive papers. Scientology was attempting to reap a windfall  
23 by default in the courts. As an officer of the courts I was  
24 compelled to test the issue of whether I could represent the  
25 Aznarans.

26 13. Mr. Rathbun's response was reminiscent of the "Fair  
27 Game" policy. He did not deny that they were playing dirty pool.  
28 Mr. Rathbun commented that since the Aznarans had sued Scientology,

1 they deserved whatever treatment they received from Scientology.  
2 I told Mr. Rathbun that as an officer of the court I felt a duty to  
3 see to it that their dirty tricks did not bring about a miscarriage  
4 of justice. I informed Reverend Rathbun that he, too, had a duty  
5 to see to it that everyone obtained due process, and that this  
6 included the Aznarans.

7 14. Mr. Rathbun remarked that I apparently expected him  
8 to "go into agreement with the universe." I told him that he did  
9 not have to go into agreement with the universe, but that he had to  
10 deal with it and should do so within the rules. I told Reverend  
11 Rathbun that despite some of his criminal attitudes, he really was  
12 basically a good person and that if he ever came to his senses he  
13 would no doubt find himself locked up in the desert for it, just  
14 like Vicki was. I told him that if such a thing should occur, to  
15 make sure he kept my telephone number in a safe place, because he  
16 would be welcome in my house as a place of refuge.

17 15. During my conversations with Mr. Rathbun, I mentioned  
18 the "RICO" case referred to in Paragraph 2(a) of Mr. Rathbun's  
19 declaration. I mentioned to Mr. Rathbun that I had heard that  
20 things were not going well for them in that case. I am aware that  
21 the court has entered evidentiary sanctions for Scientology's  
22 refusal to produce documents and apparent destruction of relevant  
23 evidence. It has also come to my attention that Scientology has  
24 suffered some serious set-backs recently in that case. These are  
25 matters of public record, which are monitored by myself and others.  
26 That Scientology would consider it inappropriate for me to know such  
27 things only evidences their paranoia.

28 16. I am interested in such developments for several

1 reasons. First, Scientology has recently defamed me again by  
2 asserting that I performed incompetently. I believe an examination  
3 of events would reveal that the RICO case went well for Scientology  
4 when I was working on it. Since my departure from the case,  
5 Scientology's position has substantially deteriorated.

6 17. With respect to Mr. Rathbun's comments at Paragraph  
7 2(c), this is a false repetition of the old claim that I am somehow  
8 responsible for Bent Corydon's litigation. Mr. Corydon is a long-  
9 time critic of Scientology and author of L. Ron Hubbard: Messiah or  
10 Madman? I applaud Mr. Corydon for standing up to and exposing these  
11 idiots. Mr. Rathbun's declaration on this point is simply another  
12 fabrication. Further, the comments are somewhat strange in that it  
13 is my understanding that Mr. Corydon has recently settled his  
14 litigation with Scientology.

15 18. Contrary to the Rathbun declaration, I have not been  
16 nor have I made representation that I have been coordinating and  
17 agitating former church members to generate adverse publicity. This  
18 again evidences their propensity to see conspiracies everywhere.  
19 I certainly did not make such a claim to Mr. Rathbun.

20 19. I am not in a position to make most existing  
21 adversaries of the church "go away." I did not make that claim to  
22 Mr. Rathbun. Mr. Rathbun has apparently distorted our conversation  
23 into whatever false statements he feels he needs to make in order  
24 to succeed before this court and is acting in conformity with the  
25 "Fair Game" policy previously recognized by this court in, as  
26 Scientology calls it, the Yanny I litigation, and most recently by  
27 the court of appeals in the Armstrong decision, which I will supply  
28 a copy of to this court at the time of the hearing of this matter.

1 "Reverend" Rathbun is a Scientologist, perceives me as an enemy, and  
2 consequently will lie, cheat, and do anything he needs to, per  
3 policy, to destroy the undersigned. I can only explain the contents  
4 of his declaration in that fashion. This court has previously dealt  
5 with his testimony and should give it as much weight now as it did  
6 then.

7           20. With respect to the Aznaran case in federal court,  
8 I properly reacted to what I perceived to be a crisis situation  
9 created by Scientology and previously documented to this court. I  
10 would have preferred not to have become involved. However, it was  
11 and is my professional opinion that as an officer of the court it  
12 was appropriate for me to have entered an appearance in that case  
13 and allow the appropriate "case-by-case" determination to be made  
14 in the appropriate court. In the alternative, I was faced with a  
15 possible miscarriage of justice occurring without the undersigned  
16 even testing the water as to whether there was anything I could do  
17 about it. It was and remains the right thing to have done under the  
18 rather unusual and perverted circumstances confronting me. The  
19 decision to test the issue was not taken lightly. I expected a  
20 motion to disqualify me; however, I also expected an opportunity to  
21 present my defenses to such a motion which, although unusual, are  
22 substantial. Among other things, there has been a substantial  
23 waiver of privilege by Scientology's attacks on and defamation of  
24 the undersigned. The Aznaran case is not substantially related to  
25 my previous work for Scientology. Unfortunately, Judge Ideman acted  
26 without hearing any arguments or proof on the issues of waiver and  
27 substantial relationship.

28           21. In many respects this is a tempest in a teapot. In

1 addition to being seen with Gerald Armstrong, I filed an appearance  
2 in the Aznaran case. I sought an extension of time in which to  
3 respond to summary judgment motions first from opposing counsel and  
4 then from the court. I suggested to Mr. Quinn that they continue  
5 the summary judgment hearings until such time as the Aznarans'  
6 representation could be straightened out. Scientology declined that  
7 most reasonable suggestion. Accordingly, I filed motions to obtain  
8 extensions of time. Ultimately, the court revoked the substitution  
9 of attorney and reinstated Ford Greene as counsel of record.  
10 Presumably, Mr. Greene is responding to pending motions.

11 22. My appearance in the Aznaran case was so transitory  
12 that I was personally never in possession of the file. Under the  
13 circumstances, I never had an opportunity to do any work on the  
14 merits of the case. No discovery or trial preparation was done  
15 during my brief tenure as counsel of record.

16 I declare under penalty of perjury under the laws of the  
17 State of California and the United States that the foregoing is true  
18 and correct.

19 Executed on July 31, 1991, at Los Angeles, California.

20  
21   
22 JOSEPH A. YANNY  
23  
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## Declaration of Gerald Armstrong

I, Gerald Armstrong, declare:

1. I have been advised by attorney Joseph A. Yanny that he has been sued by one or more Scientology entities, hereinafter referred to as "the organization," for inducing me to breach a settlement agreement I entered into with the organization in December 1986. I am making this declaration to show that this allegation is in every respect untrue.

2. I received a telephone call from Mr. Yanny to my answering machine on or about July 10, 1991. He left a message which simply said, "I need your help." I

called him back at which time he reiterated his request for my help and explained that because of organization machinations (which have been detailed in other declarations by other parties), Rick and Vicki Azmaran, plaintiffs and counter-defendants against the organization had been induced to fire their attorney, Ford Greene, and that Mr. Yanny had come into the case to ensure they had legal representation. Mr. Yanny also expressed during this conversation some personal concerns, which will remain private and confidential



(3)

between Mr. Yonny and me.

3. I told Mr. Yonny at that time that I would help and that I would travel to Los Angeles on July 12. I asked him for five hundred dollars to cover my expenses, and told him he could consider it as purchase of stock in the Herald Armstrong Corporation (TGAC). I also counseled Mr. Yonny at that time regarding his personal spiritual difficulties. (TGAC is a California Corporation in which, although it bears my name and I am its active officer,

(4)

I own no stock.)

4. I did travel to Los Angeles, did stay at Mr. Yanny's home, did work in his office on July 15 and 16, and did write and execute a declaration on July 16 giving my knowledge of the effect of the December 1986 group settlement agreements on the ability of the Azraone and other individuals victimized by the organization to obtain proper legal representation. I also discussed with Mr. Yanny literary and

(5)

artistic matters, areas of the law, or a copyright and trademark attorney, in which he has expertise. The majority of my time with Mr. Yonny concerned spiritual matters, an area in which I have expertise.

5. I refer this Court to my declarations of March 15, 1990 and December 25, 1990, and the exhibits thereto. These declarations detail the circumstances at the time of the December 1986 settlement and the many instances subsequently

6.  
when I was attacked  
or threatened by the  
organization in violation  
of the settlement agreements.  
These declarations make it  
very clear that I consider  
I have a right to counter  
the organization's attacks,  
to speak out against  
its policy of "fair game"  
and assaults on the  
basic rights of individuals,  
and to assist those  
whom I would depend  
on for protection against  
the organization's legal  
and extra-legal might  
and antisocial acts.  
It is therefore the or-

(7.)

organization itself which induced me, if I was induced by any person agency to do anything which the organization might consider a breach of the settlement agreement.

6. But more than a desire to protect myself or right the organization's unjust acts towards me, however, I helped Mr. Yanny for the simple reason that he asked. I will do the same for anyone. The organization is aware of this fact because it received my letter of

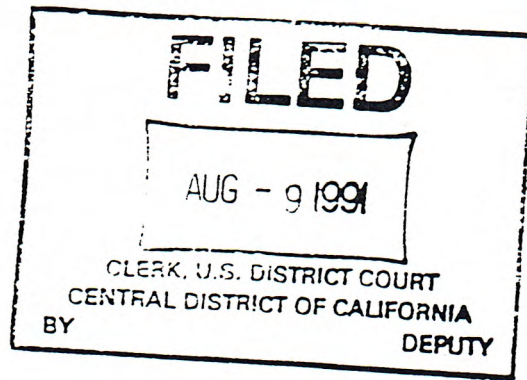
(8)

June 21, 1991, a copy of which will accompany this declaration as Exhibit 1, and acknowledged the letter's receipt in their letter of July 3, 1991, a copy of which will accompany this declaration as Exhibit 2. It is not only the right of all men to respond to requests for help, it is our essence. If I was induced, therefore, to help Mr. Yonny, or anyone else, it was our Creator who induced me. Mr. Yonny, unlike the organization, was not aware of my dedication to helping my fellow humans, did not know of my June

21, 1991 letter, <sup>(9)</sup> so acted  
in innocence.

7. I do not ask for  
or expect a fee for my  
help, although generally  
I do not refuse whatever  
is given me. I know  
that I am sustained  
completely by the Great  
Coordinator Who sends to  
me whomsoever He wants me  
to help. I therefore can-  
not be induced by money  
or whatever anyone can  
offer me.

I declare under the  
pain and penalty of perjury  
under the laws of the  
State of California that  
the foregoing is true and



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6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA

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9 VICKI J. AZNARAN and ) CV-88-1786-JMI (Ex)  
10 RICHARD N. AZNARAN, )  
11 )  
12 ) ORDER DENYING PLAINTIFFS'  
13 Plaintiff(s), ) EX PARTE APPLICATION  
14 )  
15 v. ) ORDER CONTINUING ALL PENDING  
16 ) MOTIONS TO SEPT. 9, 1991  
17 CHURCH OF SCIENTOLOGY, INC., )  
18 ) ORDER SETTING BRIEFING SCHEDULE  
19 Defendant(s). )  
20 )

21 IT IS HEREBY ORDERED:

22 1. Plaintiffs VICKI J. AZNARAN and RICHARD N. AZNARAN's  
23 (hereinafter "Plaintiffs") ex parte application for an order  
24 allowing Plaintiffs to respond to all pending motions on or  
25 before August 26, 1991 is hereby DENIED.

26 2. By its last Order, the Court set a final motion cut-off  
27 date of August 19, 1991 in this action. All remaining motions  
28 were to be limited to 35 pages in length, excluding indices and  
exhibits, noticed no later than August 19, 1991 and filed in a  
timely manner. The Court specified that no further motions will



1 be heard after that date absent a showing of good cause why the  
2 motion could not have been brought sooner.

3 In light of the Court's inadvertantly approving Plaintiffs'  
4 substitution of counsel and the subsequent reinstating of Ford  
5 Greene as Plaintiffs' counsel, however, the Court has  
6 determined that, in fairness to the parties, some extension of  
7 time for filing opposition and replies to already pending  
8 motions is appropriate. Therefore, although the Court does not  
9 by this Order alter the finality of the August 19, 1991 date for  
10 the filing of any motions in this action, the Court hereby  
11 GRANTS Plaintiffs an extension until 3:00 p.m. on August 19,  
12 1991 to file any opposition to any pending motions in this  
13 action. The Court also hereby GRANTS Defendants an extension  
14 until 3:00 p.m. on August 26, 1991 to file any reply briefs to  
15 any pending motions in this action. All pending motions will  
16 then be continued to the September 9, 1991 hearing date in order  
17 to permit the Court to rule after all submissions have been  
18 made.

19 The aforementioned extensions of time apply to all pending  
20 motions, including any motions currently under submission. No  
21 further extensions of time will be granted and the parties  
22 should not construe these extensions to permit the filing of any

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1 motion noticed later than August 19, 1991. Counsel are hereby  
2 reminded that the 35 page limit, excluding indices and exhibits,  
3 mandated by the Local Rules apply to all submissions.

4 IT IS SO ORDERED.

5  
6 DATED: August 9, 1991

7 *James M. Ideman*

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JAMES M. IDEMAN  
United States District Judge

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